

RAY K. SHAHANI
ATTORNEY AT LAW



Registered Patent Attorney - Technology and Intellectual Property Matters
<http://www.attycubed.com>

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Twin Oaks Office Plaza
477 Ninth Avenue, Suite 112
San Mateo, California 94402-1854

Telephone: (650) 348-1444
Facsimile: (650) 348-8655
e-mail: rks@attycubed.com

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	AMENDMENT AND RESPONSE TO PAPER NO. 5
Chen)	MAILED 10/07/02
)	
Serial No.: 09/870,115)	
)	
Filing Date: May 30, 2001)	Date Mailed: <u>December 31, 2002</u>
)	
Attorney Docket No.: CLX-701)	
(470.156))	
)	
Title: HEAT-REGULATING)	
CONTAINER FOR)	
ATMOSPHERE CONDITIONING)	
SYSTEM)	Examiner: CHORBAJI, Monzer, R.
)	Art Unit: 1744
)	

Commissioner of Patents and Trademarks
Washington, D.C. 20231

AMENDMENT AND RESPONSE TO PAPER NO. 5 MAILED 10/07/02

Dear Sir,

Applicant is in receipt of Paper No. 5 mailed 10/07/02. Thank you for your continued expedient examination of the present Application.

STATEMENT OF CLAIMS STATUS

Claims 1-17 are pending.

Claims 1-17 are rejected.

Amendment and Response to Paper No. 5 Mailed 10/07/02

Filing Date: May 30, 2001

Date Mailed: December 31, 2002

Title: HEAT-REGULATING CONTAINER FOR ATMOSPHERE
CONDITIONING SYSTEM

Serial No.: 09/870,115

Attorney Docket No.: CLX-701
(470.156)

SUMMARY OF RESPONSE

Detailed Action

Drawings

1. Examiner states: "The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "volatile material" in claims 1-4, 10, 13, and 17, the "solid pattern over an entire lower surface portion of the container" in claim 8, and the "closure means" in claims 13-16 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered."
2. Examiner states: "A proposed drawing correction or corrected drawings are required in reply to the Office Action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance."

Specification

3. Examiner states: "The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the specification does not mention the following limitation "a solid pattern over an entire lower surface portion of the container."

Claim Rejections - 35 USC § 112

4. Examiner states: "Claims 5 and 11-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 11, line 1; applicant uses the term "a predetermined

number". Does the applicant mean one or two or more leg structures? It would be clearer if the applicant substitute the term with, for example, a numerical range. The same applies to claim 12, line 2 for " a predetermined height". In claim 5, lines 1-2; applicant uses the term "a single heat-resistant material". The meaning of such a term is not understood since metal conducts heat. Also, in claim 1; applicant mentions that the container is made entirely of metal. Then how can metal be heat-resistant? The same applies to thermoplastic and ceramic. Both do conduct heat. Clarification is needed to understand the meaning of claim 5."

Claims Rejections - 35 USC § 102

5. Examiner states: " Claims 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Beatty (U.S.P.N. 533,428). With respect to claim 10, Beatty discloses a pan (B) such that the lower surface of the pan has a plurality of integrally formed leg structures (b) extending from the lower surface of the pan. The pan is filled with water (volatile material) to be vaporized (col.2, lines 64-66) into the atmosphere by the heat supplied from a furnace (col.2, lines 48-50). In addition, the metallic register box is connected to a furnace (A and a). Thus, the hot air will inherently heat the register box (heating device) upon which the support structure (A and b) is in direct contact. With respect to claims 11-12, Beatty's pan includes four integral legs (b) having a predetermined height in order to maintain it a suitable distance above the opening (a)."

Claims Rejections - 35 USC § 103

6. Examiner states: " Claims 1, 5-7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beatty (U.S.P.N. 533,428). With respect to claim 1, Beatty discloses a pan (B) such that the lower surface of the pan has integral leg support structure (b). The pan is filled with water (volatile material) to be vaporized (co. 2, lines 64-66) into atmosphere by the heat supplied

from a furnace (co.2, lines 48-50). Furthermore, Beatty teaches that the register box into which pan (B) sits is made of metal (col.1, lines 22-23). In addition, the metallic register box is connected to a furnace (A and a). Thus, the hot air will intrinsically heats the register box (heating device) upon which the support structure (A and b) is in direct contact. As a result, in order for the hot air to heat the pan, the pan must intrinsically be made of material that conducts heat (i.e., metal). With respect to claim 5, Beatty's pan must conduct heat in order to heat the water. Choosing material that conduct heat as taught by Beatty is well within the scope of the artisan especially when Beatty teaches that the register box is made up of metal. With respect to claims 6-7, Beatty discloses a plurality of integral leg support structures (b). The shape of the legs is rectangular. Also, Beatty teaches that in order to maintain the pan a suitable distance over the opening (a) supports for the pan can be used (col.1, lines 29-32). The word "supports" includes any shape or arrangement as long as it is capable of supporting the pan a suitable distance over the opening. Thus, whether the supports are in the pattern of legs or a zig-zag, such various designs are obvious and well within the scope of the artisan. With respect to claim 9, Beatty's pan includes handles means (unlabeled extensions on the top of both sides of B). "

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beatty (U.S.P.N. 533,428) in view of Scheuing (U.S.P.N. 860,335). The teachings of Beatty have previously been set forth with regard to claims 1, 5-7, and 9-12. However, with respect to claim 8, Beatty fails to disclose such a limitation. Scheuing's support structure (8) includes a solid pattern that partially covers the lower surface portion of the pan (5). It would have been obvious to one have ordinary skill in the art to modify Beatty's pan to include supports that cover the entire lower surface to prevent lateral movement of the pan (Beatty, col.1, lines 34-35)."

8. Claims 2-4 and 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beatty (U.S.P.N. 533,428) in view of Flashinski et al (U.S.P.N. 6,031,967). The teachings of Beatty have previously been set forth with regard to claims 1, 5-7, and 9-12. However, with respect to claims 2-4 and 13-17, Beatty fails to disclose the following limitations: the use of pesticides and insecticides, insect repellants, fragrances, air-fresheners deodorizers, porous solid substrate impregnated with the volatile material, volatile material is in a gel form, closure means, impermeable closure means, semi permeable closure means, and permeable closure means. Flashinski, which is in the art of heating volatile materials discloses the following: volatile material is insecticides (col.1, line 66), reservoir contains a porous solid substrate impregnated with volatile material (col.2, lines 1-2), the volatile material is in a gel form (col.3, lines 51-53), and the closure means including an impermeable film for retaining the volatile material (col.3, lines 4-5). Furthermore, Flashinski's closure means includes a porous (i.e., permeable) or semi-porous (i.e., semi permeable) membrane (28). It would have been obvious to one having ordinary skill in the art to modify Beatty's system to include insecticides in order to control mosquitoes (Flashinski, col.4, lines 30-31)."

Conclusion

9. Examiner states: "The prior art made of record but not relied upon is considered pertinent to applicant's disclosure. Page (U.S.P.N. 153,107), Kurtz (U.S.P.N. 689,842), and Rahn (U.S.P.N. 1,057,273) teach similar systems. Flashinski et al (U.S.P.N. 6,154,607) discloses the use of insecticides."